

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

IN RE:

SHANNON LAYNE STUBBS

Debtor(s)

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Case No. 05-52389-JWV

**ORDER VACATING ORDER OF DISMISSAL, REOPENING AND REINSTATING  
BANKRUPTCY CASE**

Order of the Court, entered *sua sponte*, setting aside the Order of Dismissal entered on December 5, 2005, and reopening and reinstating this case, for the reason that the Court incorrectly denied the Debtor the benefit of the "prison mailbox rule" when it dismissed this case. In the Eighth Circuit, the "prison mailbox rule" applies to civil actions. *Sulik v. Taney County*, 316 F.3d 813 (8th Cir. 2003). Therefore, the Debtor's case was deemed filed on October 14, 2005, the date he handed his papers to prison officials for mailing to the Court. The filing fee for this case is the filing fee in effect prior to October 17, 2005, and the application of the Debtor to pay the filing fee in installments is hereby approved. The Debtor should resume the filing fee installment payments if he desires for this case to continue. The United States Trustee is directed to again assign this case to a Panel Trustee. The Clerk is directed to process this case as if it was properly filed herein on October 14, 2005.

So Ordered on this 28th day of December, 2005.

/s/ Jerry W. Venters  
Bankruptcy Judge

THE BANKRUPTCY NOTICING CENTER WILL SERVE THIS ORDER ON ALL CREDITORS AND PARTIES IN INTEREST.

COURT TO SERVE THIS ORDER ON PRO-SE DEBTOR, ALONG WITH COPY OF DOCKET SHEET.